IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10171 of 2003

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT CLOTH DEALERS CO-OP SHOPS AND WAREHOUSE SOC.LTD

Versus

RAJENDRA PRASAD NANDLAL AGARWAL

Appearance:

1. Special Civil Application No. 10171 of 2003

MR BR GUPTA for Petitioner No. 1

MRS KANAN R SHAH for Respondent No. 1

MR RAVINDRA SHAH for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 29/11/2004

ORAL JUDGEMENT

1. The petitioner has by way of this petition challenged the order of the Deputy Secretary dated 21st

July, 2003 passed in Revision Application No. 68/2001, whereby the Deputy Secretary, (Appeal) has dismissed the appeal and confirmed the order dated 8th December, 2000 passed by Additional Registrar, in Revision Application No.80/2000 and order dated 15th July, 2000 passed by the District Magistrate, at annexures-A, B & C to the petition.

2. I have heard the learned advocate for the respective parties and have perused the relevant record. The matter was admitted by this Court and all throughout the respondent has continued to enjoy the possession of Shop No. 43/1.

3. As a result of the hearing a consensus has been arrived at between the parties and therefore this Court is not required to go into the merits of the matter. Under the circumstances, the ends of justice will be served by issuing following directions:-

[A] The petitioner society shall enroll/admit the respondent as a member of the Society, subject to the compliance of the Rules and Regulations and payment due to the petitioner Society, as well as transfer fees from the date when the application was made. The respondent shall make the payment within a period of one month from today.

4. Mr. Gupta learned advocate for the petitioner, on instructions from the petitioner, states that subject to the payment, the petitioner Society will enroll/admit the respondent as a member of the petitioner Society and this will not be treated as precedent and may be treated as special case.

5. Subject to the above observations and direction, the petition stands disposed of. Rule is discharged with no order as to costs. Interim relief if any, stands vacated.

[K.S. JHAVERI, J.]

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